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Attorneys for Defendants

KCR DEVELOPMENT and

ANNIE MYOUNG HAE CHAN

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BUCEPHALUS ALTERNATIVE ENERGY GROUP,  
LLC,

Plaintiff,

v.

KCR DEVELOPMENT AND ANNIE MYOUNG HAE  
CHAN,

Defendants.

No. 08 Civ 7343 (LAP)(JCF)

**AFFIDAVIT OF  
DANIEL A. EDELSON IN  
SUPPORT OF  
DEFENDANTS' MOTION TO  
DISMISS THE COMPLAINT,  
OR, IN THE  
ALTERNATIVE, STAY THE  
ACTION, OR, IN THE  
ALTERNATIVE, TRANSFER  
THE ACTION**

ECF Case

This document has been  
electronically filed

STATE OF NEW YORK                    )  
  ss.:  
COUNTY OF NEW YORK                )

DANIEL A. EDELSON, being duly sworn, deposes and says:

1.       I am a member of the bar of the State of New York and associated with the law firm Katten Muchin Rosenman LLP, local counsel for defendants KCR Development and Annie Chan (“Defendants”) in the above-captioned action.

2.       I submit this affidavit in support of Defendants’ Motion To Dismiss The Complaint, Or, In The Alternative, Stay The Action, Or, In The Alternative, Transfer The Action. I make this affidavit based upon my personal knowledge, my review of documents and on information provided to me by Bergeson, LLP, California-based primary counsel for Defendants.

3.       Attached hereto as Exhibit “A” is a true and correct copy of the Complaint entitled *Chan v. Bucephalus Alternative Energy Group, LLC*, case no. 108CV119974, filed in the Superior Court of the State of California, County of Santa Clara (the “California Action”) on August 13, 2008. Defendant Bucephalus Alternative Energy Group, LLC (“BAEG”) was served with the Complaint on August 18, 2008.

4.       Attached hereto as Exhibit “B” is a true and correct copy of Plaintiff’s Demand For Inspection Of Documents served on BAEG in the California Action on September 17, 2008.

5.       Attached hereto as Exhibit “C” is a true and correct copy of company information relating to Bucephalus Alternative Energy Group, LLC which was printed from Westlaw.

6.       Attached hereto as Exhibit “D” is a true and correct copy of the Complaint filed in the above-captioned action entitled *Bucephalus Alternative Energy Group, LLC v. KCR*

*Development, et al.*, case no. 08 Civ 7343 (LAP)(JCF), filed in the United States District Court for the Southern District of New York on August 19, 2008.


8. I am informed that Bergeson, LLP, counsel for Annie Chan in the California Action, sent Bruce Baldinger, counsel for BAEG in this Action, a copy of the Complaint by facsimile and U.S. mail on August 15, 2008.

9. Based on the foregoing and for the reasons set forth in the accompanying memorandum of law and supporting declaration of Annie Chan, I respectfully request that this Court grant Defendants' Motion.



DANIEL EDELSON

Sworn to before me this  
23<sup>rd</sup> day of September 2008



Notary Public

DIANE PIRAINO da CUNHA  
NOTARY PUBLIC, State of New York  
No 02DA4983980  
Qualified in New York County  
Commission Expires July 08, 2011